

2005-2006 Complaint Log
South Dakota Department of Education
Special Education Programs

Date Received	District involved in complaint	Issues of the complaint	Findings	Issue date of complaint report/ findings	Corrective action plan receive date	Closure date
01/03/2006	Redfield School Dist.	<ol style="list-style-type: none"> 1. The complainant alleges the district failed to provide periodic progress reports to Student's father in violation of the Individuals with Disabilities Education Act. 2. The complainant alleges the school failed to provide Student educational services in an appropriate placement in violation of IDEA. Specifically, <ol style="list-style-type: none"> a. The school failed to bring about a team determination of Student's least restrictive environment for education. b. The residential facility in which the school placed Student failed to provide special education and related services to Student in the least restrictive environment. 3. The complaint alleges the school failed to implement Student's IEP in violation of IDEA. Specifically, did the residential facility in which the school placed the Student fail to implement IEP content addressing: <ol style="list-style-type: none"> a. Toileting; b. Use of communication device; and c. Participation with non- 	<p>No violation on Issue 1. The Center will submit to the Department an amended content of Student's IEP, such as by an addendum, containing a statement regarding progress reports that meets IDEA requirements.</p> <p>No violation on Issue 2(a), with the admonition that IEPs for this student and other students may not recite deferment of a required determination, such as least restrictive environment, without a date certain for reconsideration of the issue.</p> <p>No violation on Issue 2(b).</p> <p>No violation on Issue 3(a).</p> <p>There is a violation on Issue 3(b), which will be remedied by training activities with the consultant from the Center for Disabilities.</p> <p>No violation on Issue 3(c).</p> <p>No violation on Issue 4.</p> <p>No violation on Issues 5(a) and 5(b).</p>	02/22/06	03/17/06	06/28/06

		<p>disabled peers</p> <ol style="list-style-type: none"> 4. The complaint alleges the school failed to provide special education and related services to Student by qualified personnel, specifically, persons with education and training in providing services to persons with autism, in violation of IDEA. 5. The complaint alleges the school failed to provide needed and appropriate special education and related services in violation of IDEA, specifically <ol style="list-style-type: none"> a. No speech/language services; b. No discrete trials and social stories; c. Recital of an impossible expected completion date for objectives. 	No violation on Issue 5(c).			
02/21/2006	Redfield School Dist.	<ol style="list-style-type: none"> 1. The complainant alleges the school district held an IEP meeting on February 10, 2006 for his son without him being in attendance. 2. The complainant alleges the district did not provide him with a 5 day written prior notice of the IEP meeting held February 10, 2006. 3. The complainant alleges the district did not provide him with a copy of his procedural safeguards. 4. The complainant alleges the whole IEP team was not present at the February 10, 2006 meeting. 5. The complainant alleges that the district has had no communication with him regarding his request for and independent educational evaluation. 	<p>No violation on Issues 1 and 4.</p> <p>There is a violation on Issue 2. The school district of residence shall review its comprehensive plan regarding prior written notice and parent consent to waiver, and shall submit to the Department written assurance that all meetings from the date of this report forward will be noticed by prior written notice that incorporates all required content and that is delivered timely, or signed parental waiver of the 5 day notice requirement is obtained.</p> <p>There is a violation on Issue 3. The school district of residence shall review its comprehensive plan regarding the provision of</p>	04/21/06	05/02/06	05/04/06

			<p>procedural safeguards to parents, and shall update its policies and procedures as necessary to reflect the requirements of IDEA 04 regarding provision of procedural safeguards to parents.</p> <p>No violation on Issue 5.</p>			
02/28/2006	Belle Fourche School District	<ol style="list-style-type: none"> 1. The complainant alleges the IEPs of both Students have not been followed. 2. The complainant alleges the IEPs indicate that the Students should have tests read to them (except reading tests.) This has not been done. 3. The complainant alleges the IEPs for both Students indicate that textbooks on audiotape will be provided, for science and social studies. This was not done. 4. The complainant alleges the IEPs for both Students state that the State/District-wide Assessments in science and social studies will be read to them. This statement is in the new IEPs, as well as those of last year. This was not done. 	<p>Conclusion: There is a violation on Issue 1.</p> <p>The IEPs for Student 1 and Student 2 have not been followed, as the services outlined on the IEP were not delivered.</p> <p>Conclusion: There is a violation on Issue 2.</p> <p>It was agreed that the students did not have their classroom tests read to them.</p> <p>Conclusion: There is a violation on Issue 3.</p> <p>It was generally agreed that the text on audiotape were not provided to the students.</p> <p>Conclusion: There is a violation on Issue 4.</p> <p>State-wide assessments, conducted in the school the first week of April, did not provide the accommodations for the students that were outlined in their IEPs, either last year's, or the new IEPs</p>	04/28/06	05/12/06	09/05/06

			completed the previous week. The school personnel, primarily the special education teacher, admitted to a misunderstanding of their responsibility in this regard.			
06/14/06	Waubay Public School District	1. The complainant alleges the school district has failed to implement the IEP as written. The specific issues include the failure of teachers to implement accommodations on the IEP: a. Shortened assignments b. Highlighted textbooks c. Open book tests d. Shortened tests e. Extended time for test completion	There is a violation. The district is out of compliance for failing to implement the IEP as written	08/13/06	08/30/06	10/29/06

July 1, 2005 - June 30, 2006
Number of complaints received: 4
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